

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

EXELIXIS, INC.,

Plaintiff,

v.

DAVID J. KAPPOS, Undersecretary of  
Commerce for Intellectual Property and Director  
of United States Patent and Trademark Office,

Defendant.

Civil Action No. 1:12-cv-96

**NOTICE OF APPEAL**

Notice is hereby given that David J. Kappos above named, hereby appeals to the United States Court of Appeals for the Federal Circuit from this Court's Final Order entered on November 1, 2012, granting plaintiff's motion for summary judgment and denying defendant's motion for summary judgment.

Respectfully submitted,

NEIL H. MACBRIDE  
UNITED STATES ATTORNEY

By: \_\_\_\_\_ /s/  
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DATED: December 31, 2012

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on December 31, 2012, I will file the foregoing with the Clerk of Court the Clerk of Court using the CM/ECF system, which will send a notification of such filing to the following:

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*Counsel for Plaintiff*

/s/

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